UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STEET
ATLANTA, GEORGIA 30303-8960

September 9, 1999

4APT-ARB

Howard L. Rhodes, Director
Air Resources Management Division
Florida Department of Environmental Protection
Mail Station 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

SUBJ: EPA's Review of Proposed Title V Permit
LFC No. 47 Corporation
Permit No. 0650001-001-AV

Dear Mr. Rhodes:

The purpose of this letter is to provide comments to the Florida Department of Environmental Protection (DEP) on the proposed title V operating permit for LFC No. 47 Corporation, which was posted on DEP's web site on July 27, 1999. The permit application was received by EPA on August 2, 1999. Based on the Environmental Protection Agency's (EPA's) review of the proposed permit and the supporting information for this facility, EPA formally objects, under the authority of Section 505(b) of the Clean Air Act (the Act) and 40 C.F.R. § 70.8(c) (see also Florida Regulation 62-213.450), to the issuance of the title V permit for this facility. The basis of EPA's objection is that the permit does not contain all applicable requirements for the facility as required by 40 C.F.R. §70.6(a)(1), and does not fully meet the periodic monitoring requirements of 40 C.F.R. § 70.6(a)(3)(i).

Section 70.8(c) requires EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with the applicable requirements under the Act or 40 C.F.R. Part 70. Section 70.8(c)(4) and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA and EPA will act accordingly. Because the objection issues must be fully addressed within the 90 days, we suggest that the revised permit be submitted in advance in order that any outstanding issues may be addressed prior to the expiration of the 90-day period.

Pursuant to 40 C.F.R. § 70.8(c), this letter and its enclosure contain a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 C.F.R. Part 70. The enclosure also contains general comments applicable to the permit.

If you have any questions or wish to discuss this further, please contact Mr. Gregg Worley, Chief, Operating Source Section at (404) 562-9141. Should your staff need additional information they may contact Ms. Elizabeth Bartlett, Florida Title V Contact, at (404) 562-9122, or Ms. Angelia Souder-Blackwell, Associate Regional Counsel, at (404) 562-9527.

Sincerely,

/s/

Winston A. Smith
Director
Air, Pesticides & Toxics
Management Division

Enclosure

cc: Mr. Richard Stewart
Vice-President
LFC No. 47 Corporation

Mr. Dave Brown
Vice President, Operations
LFC No. 47 Corporation

Enclosure

U.S. EPA Region 4 Objection
Proposed Part 70 Operating Permit
LFC No. 47 Corporation
Permit no. 0650001-001-AV

I. EPA Objection Issues

1. Applicable Requirement - PSD: The proposed permit for LFC No. 47 does not assure compliance with all applicable requirements, as required under 40 C.F.R. § 70.6(a)(1). Based on the review of the proposed permit and supporting documentation, EPA has concluded that this facility should have gone through PSD review at the time of construction. In accordance with 40 C.F.R. § 70.6(c)(3), the State must include in the permit a schedule of compliance which meets the requirements of 40 C.F.R. § 70.5(c)(8)(iii)(C) and requires LFC No. 47 to complete PSD review and obtain a PSD permit. Progress reports referenced under 40 C.F.R. § 70.6(c)(4) must also be required by the permit. Any changes to the facility resulting from the PSD review, including but not limited to changes in operation or installation of control equipment, will have to be incorporated in the title V permit through permit modification.

   EPA's conclusion regarding PSD applicability is based on the review of the title V permit application and the title V proposed permit for the facility. The carbon monoxide emissions cap requested in the title V permit application seems to be based on an emission factor that is less than half the emission factor listed in AP-42 for wood waste boilers. Using the operating rate of 8400 hours per year and the current emission factor listed in AP-42 (0.726 lb/MMBTU) for wood waste boilers, we obtained a value of 564 tpy of carbon monoxide. This number is twice as high as the emissions cap requested by the applicant. In order to use an emission factor different than the one listed in AP-42, detailed stack test data is needed to evaluate the adequacy of the factor.

   As specified in the title V permit application, the facility wishes to burn other waste fuels in the boiler including wood wastes, paper, tire-derived fuel, and refuse-derived fuel. This raises the question of whether the boiler could possibly be classified as a municipal incinerator. If so, the PSD major source threshold would be 100 tpy rather 250 tpy (assuming the combustion of greater than 250 tons of "refuse" per day). Various regulations exist to avoid classification as a municipal waste combustor, but this question must be addressed by the State during the PSD review process.

2. Applicable Requirements - NSPS: Based on available information, LFC No. 47 may also be subject to 40 C.F.R. 60 *Subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.* A construction

permit (AC40-75860) for the boiler was issued on December 12, 1989. Please provide verification that construction of the boiler commenced prior to the applicability date for this standard (June 19, 1984) and revise the permit to address the *Subpart Db* standards if necessary.

3. Applicable Requirements - NSPS: As discussed in Objection Issue 1, the permit application indicates that the facility desires to burn a variety of fuels in the boiler, including tire-derived fuel and refuse-derived fuel. If the boiler is combusting any solid waste, as defined under 40 C.F.R. 60.51, LFC No. 47 may be subject to 40 C.F.R. Part 60 *Subpart E - Standards of Performance for Incinerators*. If the boiler is combusting any municipal solid waste as defined under 40 C.F.R. 60.51b, LFC No. 47 may be subject to 40 C.F.R. Part 60 *Subpart Eb - Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996.* Please provide documentation to address the applicability of Subparts E and Eb to the boiler at LFC No. 47.

4. Not Practicably Enforceable: Condition A.7 contains an emissions cap for carbon monoxide, and condition A.3 contains operational restrictions intended to assure compliance with the cap. However, the restrictions are not practicably enforceable because no limit is placed on the amount of fuel to be burned and there is no requirement for record keeping on operating hours and fuel usage. To assure compliance with these limits, the permit must place a limit fuel usage and require the facility to maintain daily logs on fuel usage and operating hours. Such records must be maintained for a minimum of five years.

   Also, neither the permit nor the statement of basis present any information to suggest that the operational limits will be sufficient to assure that the source will stay below the limit. Because the calculated CO emissions (as discussed in Objection Issue 1 above) far exceed the CO cap proposed by the facility, it is unlikely that limitation of operation to 8400 hours on its own will effectively limit CO emissions as desired. Therefore, the statement of basis must include further information to verify that the operational limitations will be sufficient to assure compliance with the carbon monoxide limit.

5. Periodic Monitoring: Condition A.5 establishes the emissions limitation for particulate matter for this facility, and condition A.19 requires the facility to conduct annual Method 5 testing. EPA does not usually consider annual stack testing to be adequate periodic monitoring (except for some units without control devices). Also, the results of an annual test alone would not constitute an adequate basis for the annual certification of compliance that the facility is required to submit for this unit which utilizes control equipment to reduce

emissions. To provide reasonable assurance of compliance, the annual stack testing will have to be supplemented with additional monitoring. As an alternative, a technical demonstration may be added to the statement of basis explaining why the State has chosen not to require any additional monitoring for particulate emissions.

6. Appropriate Averaging Times: The emission limit in condition A.5 does not contain an averaging time. Because the stringency of emission limits is a function of both magnitude and averaging time, appropriate averaging times must be added to the permit in order for the limits to be practicably enforceable. An approach that may be used to address this deficiency is to include a general condition in the permit stating that the averaging times for all specified emission standards are tied to or based on the run time of the test method(s) used for determining compliance.

7. Periodic Monitoring: Condition A.6 requires an annual one hour Method 9 visible emissions reading. In most cases, this alone does not constitute adequate periodic monitoring to ensure continuous compliance with the opacity standard. The permit must require that the source conduct visible emissions observations on a daily basis (Method 22), and that a Method 9 test be conducted within 24 hours of any abnormal qualitative survey. As an alternative, a technical demonstration can be included in the statement of basis explaining why the State has chosen not to require any additional visible emissions testing. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year.

II. General Comments

8. Section I, subsection B.: This subsection identifies unregulated emissions unit 004 as "Open Burning (Spontaneous Combustion of Carbonaceous Fuel)." However, 62-256.600(1) F.A.C. states that "open burning in connection with industrial, commercial, or municipal operations is prohibited, except when the open burning is determined by the Department to be the only feasible method of operation and prior approval is obtained from the Department, or when an emergency exists which requires immediate action to protect human health and safety . . ." "Spontaneous combustion" does not appear to qualify as "the only feasible method of operation" for carbonaceous materials in storage, especially when those materials are awaiting treatment in the boiler for energy recovery. The source should be required to take necessary measures, such as water sprays, to prevent these materials from combusting and to segregate potentially dangerous materials. Further, EU 004 should be removed from the permit, and actions should be taken to ensure that open burning does not continue at this facility.

9. Section III, subsection A, condition A.2: This condition lists Chapter 62-296.200(31), F.A.C. (February 2, 1993 issue) as the reference for the definition of "carbonaceous fuel." It appears that this rule is no longer in effect, and we were not able to open Table 1-1 which, as stated in the proposed permit, includes the applicable definition. Please provide us with a copy of Table 1-1.

   If rules identical to the Chapter 62-296.200(31) rule and the Chapter 62-700 series rules also listed exist in the State's currently effective regulations, the effective references should be cited in the permit. Otherwise, the appropriate definitions should be included either in the permit or Table 1-1.